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FACSIMILE COVER SHEET

CONFIRMATION VIA MAIL: Yes ☐ No ☒
NUMBER OF PAGES (INCLUDING COVER) 46

DATE: August 10, 2005
TO: OFFICE OF PETITIONS
COMPANY: U.S. Patent and Trademark Office
FACSIMILE NO.: (571) 273-8300
FROM: Mark W. Handley
Our File No.: LSUI-27,987US
SERIAL NO.: 09/736,354

REMARKS:

See attached.

**PLEASE DELIVER TO
THE OFFICE OF PETITIONS
U.S. Serial No. 09/736,354**

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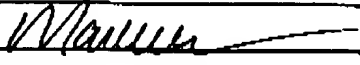
PTO/SB/21 (09-04)

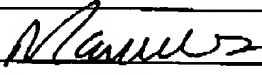
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TRANSMITTAL FORM	Application Number	09/736,354	
	Filing Date	Dec. 14, 2000	
	First Named Inventor	Leonard Sadjadi	
	Art Unit	2632	
	Examiner Name	La, Anh V.	
(To be used for all correspondence after initial filing)		Attorney Docket Number	LSUI-27,721US (also 2065JB:37332)
Total Number of Pages in This Submission		45	

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks _____ Please deliver to the Office of Petitions.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	CHAUZA & HANDLEY, LLP		
Signature			
Printed name	Mark W. Handley		
Date	Aug. 10, 2005	Reg. No.	36,821

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Signature	
Typed or printed name	Mark W. Handley
Date	Aug. 10, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 7 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (12-04)

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL
For FY 2005**☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 750.00)

Complete if Known

Application Number	09/736,354
Filing Date	Dec. 14, 2000
First Named Inventor	Leonard Sadjadi
Examiner Name	La, Anh V.
Art Unit	2632
Attorney Docket No.	LSUI-27,721US (2065JB.37332)

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☐ Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=				
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
- 3 or HP =	x	=				
HP = highest number of independent claims paid for, if greater than 3						

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Petition Under 37 CFR 1.137(b) --Fee Under 37 CFR 1.17m

Fees Paid (\$)

\$750

SUBMITTED BY

Signature		Registration No. 36,821 (Attorney/Agent)	Telephone (972) 518-1713
Name (Print/Type)	Mark W. Handley		Date Aug. 10, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 10 2005

Appl. No.: 09/736,354
Applicant: Leonard Sadjadi
Filed: Dec. 14, 2000
TC/AU: 2636
Examiner: La, Anh V.

Docket No.: LSUI-27,721US
Cust. No.: 31,782

I hereby certify that this correspondence is being sent via
facsimile to the Commissioner for Patents at (571) 273-8300
on Aug. 10, 2005.

Name of Facer: Mark W. Handley

Signature: *Mark W. Handley*

Date of Signature: Aug. 10, 2005

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

**PETITION TO REVIVE UNDER 37 C.F.R. §1.137(b) AND
TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. §1.181(a)**

Applicant, L.S. Unico, Inc. ("UNICO"), Assignee of a 50% interest of record in the above-identified application, petitions for withdrawal of the holding of abandonment under 37 C.F.R. §1.181(a), and in the alternative, petitions to revive the above identified Application under 37 C.F.R. §1.137(b). Petitioner further requests reconsideration of the Office Decision voiding the Power of Attorney received October 17, 2003.

Two Petitions Under 37 C.F.R. 1.313 were recently filed on behalf of Micrin Technologies Corporation ("MICRIN") in the instant Application, the first on July 12, 2005 and the second on July 18, 2005, one day before the present application was to issue as U.S. Patent No. U.S. Patent No. 6,919,810 on July 19, 2005. The Petition Under 37 C.F.R. 1.313 filed July 12, 1995, although being denied, voided the acceptance of the Acceptance of Power of Attorney mailed November 19, 2003 for not being filed with a Petition according to 37 CFR § 1.182 and

M.P.E.P. §402.10. The Petition Under 37 C.F.R. 1.313 filed July 18, 2005 was granted, withdrawing the present application from issuing as U.S. Patent No. 6,919,810 after payment of the issue fee, and the application was expressly abandoned by MICRIN's attorneys in favor of a continuation application in which all Amendments made to the application were withdrawn.

UNICO respectfully submits that the Petition Under 37 C.F.R. 1.313 of July 18, 2005 should not have been granted since a document granting power of attorney to MICRIN's attorneys by either of the record owners, the two Assignees MICRIN and UNICO, has not been made of record in the Application. Neither of the Petitions filed July 12, 2005 and July 18, 2005 were filed with a new power of attorney in accordance with M.P.E.P. §402.10, even though MICRIN's attorneys were seeking to act on behalf of one Assignee, MICRIN, to the detriment of the other Assignee, UNICO, and both Petitions were filed after MICRIN's attorneys have in fact received notice that one of the two Assignees, UNICO, had revoked all previous power attorneys granted in the application, discharging MICRIN's attorneys from acting on behalf of UNICO. See Exhibit A, which attaches the "Revocation and Appointment of Power of Attorney" received by the Office on October 17, 2003. This revocation was made by the sole officer of UNICO, who is also the inventor who granted the only power of attorney in the Application, as part of the original inventor's Declaration.

Whether or not the Office continues its holding that voids acceptance of the Revocation and Appointment of Power of Attorney received by the Office on October 17, 2003 as not being filed according to M.P.E.P. §402.10, the document in fact did provide written revocation of authority to act on behalf of UNICO, discharging MICRIN's attorneys in representing UNICO. MICRIN's attorneys were fully aware of the written revocation prior to submitting the Petitions

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of July 12, 2005 and July 18, 2005, including Revocation and Appointment of Power of Attorney received by the Office on October 17, 2003 as part of the Petition filed July 12, 2005. *See* Petition Under 37 C.F.R. 1.313, filed July 12, 2005, Exhibit C. Instead, under the auspices of the power of attorney granted by Mr. Sadjadi, the sole inventor, who as noted above is the sole officer of UNICO, MICRIN's attorneys seek to act on behalf of only one record owner, MICRIN, in an action adverse to the only other record owner, UNICO. MICRIN sought to withdraw the Application from issuance as a patent, and expressly abandoned the Application, after UNICO had recently paid the issue fee. Such actions seek to destroy the benefit of issuance of the present application as U.S. Patent No. 6,919,810 on July 19, 2005, preventing enforcement of allowed claims as of July 19, 2005, both against MICRIN and against third parties which might presently infringe such claims. The Petitions filed July 12, 2005 and July 18, 2005 were clearly adverse to the rights and wishes of UNICO, and its sole officer, the inventor on whose previous grant of power of attorney such actions were taken.

Petitioner also notes the representation that MICRIN made in the Petition Under 37 C.F.R. 1.313 filed July 12, 2005 regarding it having no knowledge regarding a revocation a power of attorney. However, note is made of the Notice Regarding Change of Power Attorney mailed to MICRIN's attorneys on November 19, 2003, which is attached as Exhibit B.

UNICO also notes that the attorneys representing MICRIN are also part of a law firm representing MICRIN in State Court Litigation, as an adverse party to UNICO. *See* Exhibit F, which attaches the pleadings for Civil Action No. CC-05-03170-A, in the County Court At Law of Dallas County, Texas, ("State Court Litigation"). UNICO further notes that the State Court Litigation directly relates to agreements regarding, licenses, ownership and use of the invention

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of the present application. *See Exhibits C and F.* Exhibit C is a Declaration of Leonard Sadjadi, the sole inventor of the present application and the sole Officer of UNICO.

UNICO further notes that it was not acting in bad faith in pursuing issuance of the Application. Attached as Exhibit E is a letter from MICRIN stating that it no longer wishes to pursue any interest in the instant Application, and offering to assign the invention of the present application to UNICO. Attached as Exhibit E is a second letter from MICRIN through one of its attorneys stating that such technology was soon to be obsolete based on new designs for its products, and refusing to assign the invention without full release of Mr. Sadjadi's claims in regard to any patent which may issue from the application unless according to certain terms deemed unreasonable by UNICO. UNICO and Mr. Sadjadi, the sole inventor of the present application, filed a lawsuit which seeks to reclaim the 50% interest in the invention of the invention of the present patent application for which MICRIN is currently a 50% record holder. *See Exhibit F, Plaintiff's Original Petition, on page 8, paragraph 6, in which Plaintiffs UNICO and Leonard Sadjadi have prayed for relief that would declare as void the Assignment dated December 13, 2000 in which Mr. Sadjadi granted MICRIN a 50% interest in the invention of the present application. Although such claims of the pending State Court Litigation have yet to be resolved in a final judgment, if granted by the State Court, will give Mr. Sadjadi and UNICO together the entire interest in the invention of the Application.*

Although MICRIN's attorneys were listed as attorney of record after the Office voided acceptance of UNICO's power of attorney, on their face the Petitions filed on July 12, 2005 and July 18, 2005 were clearly on behalf of one record owner, MICRIN, and adverse to the interests of the record other owner, UNICO. The Petitions dated July 12, 2005 and July 18, 2005 fully

stated that UNICO has proceeded to act in the application, and that the action which MICRIN as Petitioner sought was to prevent issuance of the patent after UNICO has recently paid the issue fee. This directly sets forth that MICRIN's attorneys were acting at cross-purposes to UNICO, the other record owner. Yet the Office did not require submission of a new power of attorney for the record owners, but instead relied on the original Declaration and Power of Attorney granted by Mr. Sadjadi, the sole inventor, who is in fact being harmed by withdrawal of the application from issuance and abandoning of the application as the sole officer of UNICO. Petitioner respectfully submits that the adverse interests set forth on the face of MICRIN's Petitions, in combination with the written revocation of power of attorney received by MICRIN's attorneys to act on behalf of UNICO contained in the Revocation and Appointment of Power of Attorney received by the Office on October 17, 2003, discharging MICRIN's attorneys, caused the Petitions of July 12, 2005 and July 18, 2005 to be improperly filed without submission of a new power of attorney by less than all applicants with a Petition Under 37 C.F.R. § 1.182 in accordance with M.P.E.P. §402.10.

Petitioner further notes that the attorneys acting under the initial inventor's Declaration and Power of Attorney are of a law firm representing interests adverse to those of UNICO, both in filing the Petitions Under 37 C.F.R. 1.313 on July 12, 2005 and July 18, 2005 and in representing MICRIN in State Court Litigation against UNICO. The Petitions Under 37 C.F.R. 1.313 filed on July 12, 2005 and July 18, 2005 seeking to prevent issuance of the application as U.S. Patent No. 6,919,810 on July 19, 2005 were filed without authority from UNICO, and after the attorneys in the law firm representing MICRIN were discharged by UNICO after receiving written revocation in the Revocation and Appointment of Power of Attorney received by the

**PETITION TO REVIVE UNDER 37 C.F.R. §1.137(b) AND
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Office on October 17, 2003.


Petitioner requests reconsideration of the Office Decisions voiding the Power of Attorney received October 17, 2003 and granting of the Petition dated July 18, 2005, and that the holding of abandonment of the application be withdrawn under 37 C.F.R. §1.181(a). In the alternative, that the Application be revived under 37 C.F.R. §1.137(b). Applicant request that the previously paid issue fee be applied, and the application proceed to issuance.

Petitioner UNICO respectfully submits that the entire delay from MICRIN's express abandonment until submission of this Petition was unintentional, on behalf of UNICO.

The \$750.00 Petition Fee for entry of the present document are submitted in the attached Form PTO-2038 for payment by credit card. Should the Office determine to grant this Petition based on Withdrawal of the Holding of Abandonment, Applicant requests that the Petition Fee be refunded to the credit card listed on Form PTO-2038.

Respectfully submitted,

CHAUZA & HANDLEY, L.L.P.


Mark W. Handley, Esq.
Registration No. 36,821
Attorneys for Petitioner, L.S. Unico, Inc.

MWH/v

CHAUZA & HANDLEY, L.L.P.
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August 10, 2005

PETITION TO REVIVE UNDER 37 C.F.R. §1.137(b) AND
TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. §1.181(a)
APPL. SERIAL NO. 09/736,354; ATTY DCKT NO. LSU1-27,721US

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